## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA STATESVILLE DIVISION Case No. 5:18-cv-48-RJC-DSC

FARRELL CREATIONS & RESTORATIONS LLC,	)
Plaintiff,	)
v.	ORDER
ADVANCE AUTO PARTS, INC. et. al.,	)
Defendants.	)

**THIS MATTER** is before the Court on Plaintiff's "Motion to Amend Complaint, Motion to Join Additional Parties, Motion to Remand" (document #18), Axalta Defendants' "Motion to Dismiss" (document #8) and "Advance Auto Parts, Inc.'s Motion to Dismiss" (document #12), as well as the parties' briefs and exhibits.

Rule 15 of the Federal Rules of Civil Procedure governs amendments to pleadings. Rule 15(a)(1) grants a party the right to "amend its pleading once as a matter of course," if done within twenty-one (21) days after serving the pleading, Fed. R. Civ. P. 15(a)(1)(A), or "if the pleading is one to which a responsive pleading is required," a party may amend once as a matter of course, provided that it does so within "21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). The Rule further provides that leave to amend shall be freely given "when justice so requires." <u>Id.</u>

For the reasons stated in Plaintiff's briefs, the Court will grant in part and deny in part its "Motion to Amend Complaint, Motion to Join Additional Parties, Motion to Remand" (document #18). Specifically, Plaintiff may amend its Complaint to join Advance Stores Company,

Incorporated. Plaintiff's Motion to Join Craig Link and the Motion to Remand are <u>denied</u> for the

reasons stated in Defendants' briefs.

It is well settled that an amended pleading supersedes the original pleading, and that

motions directed at superseded pleadings are to be denied as moot. Young v. City of Mount Ranier,

238 F. 3d 567, 573 (4th Cir. 2001) (amended pleading renders original pleading of no effect);

Turner v. Kight, 192 F. Supp. 2d 391, 397 (D. Md. 2002) (denying as moot motion to dismiss

original complaint on grounds that amended complaint superseded original complaint).

**IT IS THEREFORE ORDERED** that:

1. Plaintiff's "Motion to Amend Complaint, Motion to Join Additional Parties, Motion to

Remand" (document #18) is **GRANTED IN PART** and **DENIED IN PART** as stated above.

Plaintiff shall file its Amended Complaint within five days of this Order.

2. Defendants' "Motion to Dismiss" (document #8) and "Motion to Dismiss" (document

#12) are administratively **DENIED** as moot without prejudice.

3. The Clerk is directed to send copies of this Order to counsel for the parties, including

but not limited to moving counsel, and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: June 23, 2018

David S. Cayer

United States Magistrate Judge